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NUMBER 24

PALESTINE IN THE UNITED NATIONS

SAMI HADAWI

THE ARAB INFORMATION CENTER

757 THIRD AVENUE, NEW YORK, N. Y. 10017

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Foreword

World opinion has been led to believe that the Palestine problem is a conflict between Israel and the Arab states over the sovereignty of territory which the Arab states regard as part of their domain, while the Israelis claim it to be theirs by reason of the Balfour Declaration of 1917, the United Nations Partition Resolution of 1947, and subsequent military conquest, as well as what is commonly referred to as the 'Biblical Promises.' In other words, it is a territorial dispute between nations, similar to—let us say—the dispute between India and Pakistan over Kashmir.

This ingenious Zionist scheming is not without a motive. It is intended to confuse the issue and to obliterate the memories of the crimes committed against the Palestine Arabs—crimes which have been described as no less heinous than the Nazi crimes against the Jews. It is also designed to by-pass standing United Nations resolutions calling upon the Israelis to settle the problem within the framework of the Partition Resolution; to give the refugees the choice between repatriation and compensation; and to permit the internationalization of Jerusalem. To label it as a dispute between nations, divests it of its human and just elements and puts it in the same category as other world territorial issues where the parties proffer claims and counter-claims of equal strength.

The truth of the matter is that the Palestine problem must be called first and foremost a dispute between the Palestine Arabs and the Israelis before it can be called an Arab states-Israeli conflict. The ques-

tion is fundamentally one of individual rights and principles, as well as of territory, and must be treated as a moral as well as a political issue.

No matter what language diplomacy uses in defining the rights of the Palestine Arabs, the fact remains that the overwhelming majority of the land now called "Israel" is legitimately individual Arab-owned land. Arabs have lived and worked on it for over thirteen hundred years without interruption, and their right stems from the universally accepted principle that a country belongs to its indigenous inhabitants. The fact that they fled in terror because of real fear of a repetition of the 1948 Zionist massacre at Deir Yasin is no excuse for depriving them of their homes, fields and livelihoods. No people is exempt from panic in times of war, but they have always been able to return to their homes when the danger was over. Military conquest does not abolish private property; nor does it entitle the aggressor to confiscate the homes, property and personal belongings of the non-combatant civilian population, as the Israelis have so outrageously done. To do this is robbery.

The position of the Arab states in this case, however, is that they fully support the Palestine Arabs' stand in their rights to homes and country, and any solution agreed to by the Palestine Arabs is acceptable to them. Conversely, the Arab states cannot conclude a settlement not acceptable to the Palestine Arabs.

A solution of the Palestine problem does not necessarily mean a settlement of the Arab states-Israeli conflict. While the former may influence the latter, the Arab states-Israeli conflict arises mainly out of the dangers which Israeli ambitions and expansion designs pose to Arab states' rights and security within their own borders. Israel's mass immigration policy; its leaders' declarations and actions from time to time to expand into further Arab territory—like, for example, the wanton invasion of Egypt in 1956 and David Ben Gurion's attempted annexation of the Sinai Peninsula and the Gaza Strip territory which he described as having been 'freed' and 'liberated'; as well as the encouragement of the type of immigrant that is being brought into the Middle East from communist countries under the cloak of humanity—all these constitute a serious threat to the peace and stability of the region.

It will be recalled that as early as 1948, the late U.N. Mediator Count Bernadotte—who was assassinated by the Israelis because of his efforts to bring about a just solution of the Palestine problem—warned the Security Council that: "It could not be ignored that unrestricted immigration to the Jewish area of Palestine might, over a period of years, give rise to a population pressure and to economic and political disturbances which would justify present Arab fears of

ultimate Jewish expansion in the Near East." He went on to point out that "It can scarcely be ignored that Jewish immigration into the Jewish area of Palestine concerns not only the Jewish people and territory but also the neighboring Arab world."⁽¹⁾

It would, indeed, be suicidal for the Arab states to allow themselves to be deceived by the Dr. Jekyll and Mr. Hyde image of the Zionist-Israeli character and relax their vigilance. While the Israelis claim they want peace, they are actually preparing for war. If expansion is not their ultimate aim, what is the meaning of Ben Gurion's statement: "To maintain the status quo will not do. We have set up a dynamic state, bent upon expansion"?⁽²⁾ This principle he reiterated in 1952: "Israel . . . has been established in only a portion of the Land of Israel. Even those who are dubious as to the restoration of the historical frontiers, as fixed and crystallised from the beginning of time, will hardly deny the anomaly of the boundaries of the new State."⁽³⁾

If these statements by the architect of the Jewish state can be waved away as pure fantasy, the declaration of the leader of the 'Herut' Party—the second largest in the Israeli parliament and which claimed credit for the ouster of the British from Palestine—should leave no doubt that expansion is indeed the Zionists' ultimate goal: "I deeply believe in launching preventive war against the Arab states without further hesitation. By doing so, we will achieve two targets: firstly, the annihilation of Arab power; and secondly, the expansion of our territory."⁽⁴⁾

The Zionists are masters of deceit. Many were their promises and declarations from time to time only to lull the Arabs into a false sense of security and to mislead world opinion. When the Zionists first invaded the Holy Land in 1920 as a result of the ill-fated Balfour Declaration, they spoke lavishly of their goodwill towards their Arab neighbors and the many skills and advantages they would bestow upon the country. All they wanted, they pleaded, was a haven, a refuge for the persecuted Jews of the world. The world has seen how, thirty years later, these 'Arab neighbors' benefitted from Jewish immigration by expulsion and dispossession under the most brutal conditions. Instead of peace and tranquility, the Holy Land has been turned into a battlefield; the Middle East into a cauldron of unrest and instability; and misery, hatred and bitterness now prevail where previously there was harmony and friendship between Arab and Jew.

The Zionist-Israeli propaganda machine has not only succeeded in influencing world opinion to regard the Palestine tragedy as a territorial dispute between nations; the Israelis have also managed to maneuver some of the new African states into sponsoring draft reso-

lutions before the United Nations calling upon the Arab states and Israel to sit at the conference table and resolve their differences. It is noteworthy that the draft resolutions followed the Israeli pattern of ignoring the existence of the Palestine Arabs who hold the key to peace in the Holy Land.

In three consecutive years the drafts failed to win a majority vote. The leading American press denounced the nations—including their own—which voted against the resolutions, accusing them of submitting to so-called Arab ‘blackmail’. On the other hand, the Israelis were commended for their peaceful intentions and willingness to talk peace, while the Arab states were condemned and accused of threatening to destroy Israel, to throw the Jews into the sea, to annihilate the Jewish state.

But the response of the Arab representatives at the United Nations to the draft resolutions was neither negative nor threatening; it followed the logical procedures that disputes must, first of all, be resolved between the parties immediately concerned. A third party—in this case the Arab states—could enter the picture once the main issues have been settled between the Palestine Arabs and the Israelis. The Arab delegates unanimously told the Special Political Committee, in clear terms, that if the Israelis truly wanted peace, they should address themselves first to the leaders of the Palestine Arabs who are the aggrieved party. They declared that any agreement arrived at between the parties would be acceptable to their governments. Is this stand not proof of the willingness of the Arab states to solve the Palestine question peacefully?

The Israeli representative not only flatly refused to countenance any suggestion of contact with the Palestine Arabs; he went so far as to protest the nomenclature of the ‘Palestine Arab Delegation’, arguing that the entity once known as ‘Palestine’ has ceased to exist, and that the individuals who comprise the Delegation represent nobody but themselves. He also arrogantly opposed the Palestine Arab Delegation from being given a hearing by the Special Political Committee.

The Israeli peace offers are neither genuine nor sincere. They have often been described as bogus, contradictory, as far from real peace as blatant propaganda is from the truth, and as dishonest and inconsistent with justice and reason, because they are not made with the object of redressing the wrong committed against innocent people, nor intended to bring stability and peace to the Middle East, but to:

1—Divert public attention from Israeli defiance of United Nations resolutions calling for the refugees to be given the choice between repatriation and compensation;

2—Win world sympathy for Israel as a so-called peace-loving nation and the victim of Arab aggression;

3—Raise more funds for Israel through the United Jewish Appeal and the sale of Israeli Bonds.

To the Israelis, peace means recognition by the Arab states of Israeli sovereignty over existing Israeli-occupied territory; the removal of the Arab boycott; and the opening of the Suez Canal to Israeli shipping. By achieving these objectives, the Israelis hope to improve their economy to provide greater military materiel and new immigrants to make possible, in due course, the realization of their dream of an ‘empire’ from the ‘Nile to the Euphrates’. As for the Palestine Arabs whom they expelled and dispossessed, this is a matter—they say—which was created as a result of alleged Arab aggression against the Jewish state, and as such, it is for the Arab governments, not Israel, to settle within their borders.

Those who have been responding to Israel’s repeated proclamations of willingness to talk peace with the Arabs fail to realize that peace, in order to be real, has to be based on justice and equity. The road to peace in the Middle East has already been paved by the United Nations. Israel, while claiming to have a right to exist by reason of an act of the United Nations, refuses to honor her responsibilities to the organization which gave her birth. If Israel is permitted to discard any of the United Nations resolutions because they are not in her favor, they must all be discarded, including the one which created the ‘Jewish state’. Israel must not be allowed to pick and choose.

Peace is not something that can be achieved by intrigue, deceit, or political influences as the Israelis have been trying to do since 1948; it must be won on principles of justice and equity. As long as no change takes place in the Israeli attitude, the chances of peace on Israeli terms simply do not exist now or ever.

“Only an internal revolution,” wrote Nathan Chofshi from Israel, “can have the power to heal our people of their murderous sickness of baseless hatred (for the Arabs). It is bound to bring eventual ruin upon us. Only then will the old and the young in our land realize how great was our responsibility to those miserable wronged Arab refugees in whose towns we have settled Jews who were brought from afar; whose homes we have inherited, whose fields we now sow and harvest; the fruit of whose gardens, orchards and vineyards we gather; and in whose cities that we robbed, we put up houses of education, charity, and prayer, while we babble and rave about our being the ‘People of the Book’ and the ‘Light of the Nations’.”⁽⁵⁾

I

Historical Background

The modern history of the Palestine Problem started with the adoption by the United Nations of Resolution No. 181(II) of 29 November 1947 recommending the partition of Palestine into a Jewish state, an Arab state, and an International Zone of Jerusalem to be placed under United Nations jurisdiction. The plan gave the Jewish state 56% of the total area of the country — including the fertile coastal plains and the rich citrus belt — leaving 44% for the Arab state and the Jerusalem International Zone.

The Partition Resolution stipulated that the Jewish and Arab states were to come into being two months after the date of termination of the Mandate, which the British Government had declared would take place on 15 May 1948. In addition, the Resolution provided for the establishment of a Palestine Commission and entrusted it with the responsibility of taking over progressively the administration of the country as the Mandatory Power withdrew and in due time to hand over this responsibility to the envisaged Arab and Jewish governments.

The Arabs rejected the partition on the grounds that it violated the provisions of the United Nations Charter whereby the people had the right to decide their own destiny. In 1947, the Arab inhabitants

constituted two-thirds of the total population and the Jews the other one-third, while Jewish ownership of land did not exceed six per cent of the total area of Palestine. Furthermore, they argued, the United Nations had no jurisdiction to partition countries against the wishes of the majority of its inhabitants. The Arab states requested that a plebiscite should be held to give the people of Palestine the opportunity to state the form of government they desired in accordance with the Charter; at the same time they asked that the matter be referred to the International Court of Justice for an expression of opinion as to the legal aspects of the case. But Zionist intimidation, pressure and intrigue obstructed the application of the principles of the Charter at the time.

Arab rejection of the partition scheme was also due to the fact that while the population of the Jewish state was to be 50% Arab and 50% Jewish, with the Jews owning less than ten per cent of the total land area, the Jews were to be established as the ruling body — a situation which no people in its right mind would accept without protest.

Recognizing the anomaly and uniqueness of its action, the United Nations tried to protect the Arabs of the proposed Jewish state by providing that their civil, political, economic, religious, and property rights were in no way to be prejudiced by the partition.

But shortly after the Partition Resolution was adopted, the Zionists began a campaign of terror aimed at expelling the Moslem and Christian inhabitants, confiscating Arab property without consideration, and occupying as much of Palestine as they could before the British left.

The United Nations became alarmed at the violence that was taking place in Palestine; and in March, 1948, met to reconsider its recommendation of partition of the country, and there was talk of voiding it and making all of Palestine a United Nations trusteeship.

As the date of British withdrawal approached, and fearing that the United Nations would alter its partition decision, the Zionist underground forces — which later formed the Israeli army — intensified their attacks against Arab towns and villages in an effort to confront the United Nations with a *fait accompli*. On 9 April 1948, they attacked the Arab village of Deir Yasin and massacred 250 men, women, and children. This had the effect of creating panic among the Arab inhabitants who began to flee with no fixed destination in view.

The result: Before the British left and before a single soldier from any Arab state was on Palestine soil, the Zionists had occupied territory reserved for the Arab state and the International Zone of Jeru-

*Why the Arab refused
the Partition Plan?*

*the British UN
partition plan to
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saalem as well as the area assigned to the Jewish state; while over 300,000 Palestine Arabs became refugees in adjacent Arab countries.

The Palestine Arabs appealed to the Arab states for protection against Zionist atrocities, and on 15 May 1948, the Arab League cabled the Secretary-General of the United Nations and informed him that the Arab states "were compelled to intervene in Palestine because the disturbances there constituted a serious and direct threat to peace and security in their territories and in order to restore peace and establish law in Palestine."⁽⁶⁾

Count Bernadotte of Sweden was appointed U.N. Mediator and entrusted with the task of first terminating hostilities and then arranging for a peace settlement. On 17 September 1948, he was assassinated by the Israelis in Jerusalem, because his peace plan included the surrender of extra territory occupied by the Israelis in excess of the territory allotted to the Jewish state under the Partition Resolution, the return of the Arab refugees to their homes, and the internationalization of Jerusalem as provided in the Partition Resolution.*

In December 1948, the United Nations met and resolved that the refugees wishing to return to their homes should be permitted to do so and that compensation should be paid for the property of those not choosing to return and for losses sustained. At the same time, the United Nations appointed a Palestine Conciliation Commission and entrusted it with the task of settling the dispute. A meeting was called by the Commission in Lausanne, Switzerland, and on 12 May 1949, a 'Protocol' was signed whereby the Israelis and representatives of the Arab states undertook to settle the Palestine problem within the framework of the 1947 Partition Plan. But no sooner was the state of Israel accepted into the membership of the United Nations, when her leaders repudiated their signature.

The United Nations has not ceased to remind the Israelis of their obligations — contractual and human — under United Nations resolutions, and they have just as consistently refused to comply. Mr. David Ben Gurion has repeatedly declared that not one inch of territory occupied beyond the area assigned to the Jewish state under the Partition

*This dastardly deed is reminiscent of the murder in Cairo of British Secretary of State Lord Moyne by the Zionists in 1944 because his plans for a solution of the Palestine Question conflicted with Zionist goals and aspirations.

Resolution would be surrendered; not one single refugee will be allowed to return; and Jerusalem shall remain for all times the capital of Israel.

The Arabs of Palestine, on the other hand, maintain that their right to Palestine is indisputable and rests on three distinct foundations: the first is the natural right of a people to remain in possession of the land of its birthright; the second is that the Palestine Arabs have been in uninterrupted occupation for over 1300 years; and the third is that they are still the rightful owners of the homes and lands in which the Israelis now live and work.

Mr. Henry Labouisse, former Director of the United Nations Relief and Works Agency for Palestine Refugees, reported to the General Assembly as far back as 1954 that the refugees must be given the choice between repatriation and compensation as prescribed in Assembly Resolution of 11 December 1948. The Arab states accepted the proposal, but the Israeli representative rejected it outright and attacked it as an 'encroachment on the sovereignty' and integrity of his country.

Today, after sixteen years, the situation in Palestine is the same as it was in 1948, with the exception that the number of refugees has increased to well over one million whose only future, if the Israelis are permitted to continue unchecked in their policy of intransigence and defiance, is the perpetuation of the miseries of the Palestine Arabs in refugee camps subsisting on United Nations charity at the rate of less than seven cents per day per person.

II

United Nations Resolutions on Palestine (1947-1951)

The League of Nations failed to keep the peace in the world because certain nations refused to live up to their obligations under the principles and rules laid down by the League whenever these conflicted with their interests.

When the United Nations was created in 1945, it was hoped that the mistakes of the defunct League would not be repeated and that nations accepted into membership would *unreservedly* adhere to the principles and rules of the new organization. The fact that Red China, while not even a member of the United Nations, had in the opinion of the United States Government violated the principles of the U.N. Charter by her action in Korea, was sufficient to bar her entry into membership of the World Organization to this day.

The Palestine Question has not been solved to date only because resolutions adopted by the United Nations from year to year have been ignored by the Israelis with impunity; yet the Jewish state which accepted the principles of the U.N. Charter *unreservedly* continues to be a member of the World Organization, and no action has been taken against the Israelis to expel them or to impose sanctions for violations of their obligations under the U.N. Charter, the Universal Declaration of Human Rights, and U.N. resolutions calling upon the Israelis to do certain things.

To date there are six principal resolutions on Palestine, all of

which remain unimplemented. Of these, five call upon the Israelis to do certain things, and the sixth and last deals with the passage of Israeli shipping through the Suez Canal. The resolutions in chronological order are:

1. Partition of Palestine (No. 181 [II] of 29 November 1947)

This Resolution *recommended* the partition of Palestine into a Jewish state, an Arab state, and an International Zone of Jerusalem under United Nations control, each with fixed boundaries.

The Resolution provided for certain safeguards for both Arabs and Jews within the respective areas. Among these were:

- a) The constitutions of the States *shall* contain provisions "Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association."
- b) The 'General Provision' provides that — "The stipulations contained in the Declaration are recognized as fundamental laws of the State, and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them."
- c) "*Citizenship* — Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights . . ."
- d) "The provisions of Chapters 1 (on Holy Places, Religious Buildings and Sites) and 2 (on Religious and Minority Rights) of the Declaration shall be *under the guarantee of the United Nations*, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendation as it may deem proper in the circumstances."

By 15 May 1948, when the British Mandate over Palestine came to an end, the Israeli forces had already over-stepped into territory

reserved for the Arab state and the International Zone of Jerusalem, putting the Arab population into flight or expelling them. Today, the Israelis hold 77% instead of the 56% of the territory of Palestine allotted to the Jewish state under the Partition Plan; the Arab inhabitants have been expelled; and Arab property has been confiscated despite the 'guarantee of the United Nations' to protect Arab rights, property and interests.

On 12 May 1949, representatives of Israel and the Arab states and the Palestine Arabs, meeting under the auspices of the Palestine Conciliation Commission, agreed to settle the Palestine problem within the framework of the Partition Resolution, but the Israelis repudiated their undertaking one month after they had signed the agreement.

The position today is that the Arabs continue to abide by their undertaking, and have, on more than one occasion, urged, without result, the United Nations to carry out its 'guarantees' to the Palestine Arabs embodied in the Partition Resolution on the grounds that there has been an 'infraction' of the stipulations in the Declaration.

2. Repatriation and Compensation of Refugees (No. 194 [III] of 11 December 1948)

The General Assembly, *inter alia*, resolved that:

"The refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible."

The United Nations has not ceased to affirm and reaffirm this resolution during past years, and the Israelis have just as consistently ignored their responsibilities of compliance as if the matter did not concern them.

3. Israeli membership in United Nations (No. 273 [III] of 11 May 1949)

Unlike any other state accepted into membership of the United Nations, Israel's admission was approved under certain specific conditions which were embodied in the preamble, namely:

"Noting furthermore the declaration by the State of Israel that it unreservedly accepts the obligations of the U.N. Charter and undertakes to honour them from the day when it becomes a member of the United Nations;

"Recalling its resolutions of 29 November 1947 (on boundaries)

and 11 December 1948 (on repatriation and compensation of refugees) and taking note of the declarations and explanations made by the representative of the Government of Israel before the *ad hoc* Political Committee in respect of the implementation of the said resolutions;

"The General Assembly . . . Decides to admit Israel to membership in the United Nations."

As soon as the Israelis gained admission of their state into membership of the United Nations, they declared that as Israel was a sovereign state, the United Nations had no jurisdiction to interfere in the Jewish state's territory, despite the fact that its sovereignty was conditional on its fulfilling certain requirements.

4. Jerusalem International Zone (No. 303 [IV] of 9 December 1949)

The General Assembly reaffirmed its 1947 Resolution that "the City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations," and designated the Trusteeship Council "to discharge the responsibilities of the Administering Authority."

On 17 December 1949 the Israelis moved their Parliament to Jerusalem and declared the City their Capital.

On 20 December 1949, the Trusteeship Council called upon the Israelis to revoke their action and resolved:

"(The Council,)

"Concerned at the removal to Jerusalem of certain ministries and central departments of the Government of Israel;

"Considering that such action ignores and is incompatible with the provisions of paragraph II of General Assembly resolution 303(IV) of 9 December 1949;

"1. Is of the opinion that the action of the Government of Israel is likely to render more difficult the implementation of the Statute of Jerusalem with which the Council is entrusted by the General Assembly resolution of 9 December 1949;

"2. Requests the President of the Trusteeship Council: (a) To invite the Government of Israel to submit a written statement on the matters covered by this resolution, to revoke these measures, and to abstain from any action liable to hinder the implementation of the General Assembly resolution of 9 December 1949."

In response to this request by the Trusteeship Council, David Ben Gurion declared with all arrogance: "The United Nations . . . saw fit . . . this year to decide that our eternal capital should become a corpus

separatum under international control. Our rebuttal of this wicked counsel was unequivocal and resolute: the Government and Knesseth at once moved their seat to Jerusalem, and made Israel's crown and capital, irrevocably and for all men to see."⁽⁷⁾

5. Protection of Rights, Property and Interests of Refugees (No. 394 [V] of 14 December 1950)

Concern was expressed by the Arab states over the disposal of Arab property by the Israelis. To safeguard Arab rights and interests, the General Assembly adopted a resolution in which it "Directs the United Nations Conciliation Commission for Palestine . . . to continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees."

All approaches subsequently made by the Commission to the Israeli authorities with a view to safeguarding Arab 'rights, property and interests' were rejected as one law after another was enacted authorizing and legalizing the confiscation and disposal of Arab property and using the proceeds from the transactions for the settlement of new Jewish immigrants. Attempts were made by the Arab states from year to year to move the United Nations to appoint a trusteeship over Arab property pending a solution of the Palestine problem, but United States opposition prevented the resolutions from obtaining the two-thirds majority needed in the General Assembly, although they did receive a majority vote in both the Special Political Committee and in the General Assembly.

6. Passage of Israeli shipping through the Suez Canal (UN Doc.S/2298)

On 1 September 1951, the Security Council adopted a resolution calling upon Egypt to cease 'its belligerent measures' and 'to terminate the restrictions on the passage of international commercial shipping.'

In an interview with two U.S. correspondents on 8 October 1959, President Gamal Abdel Nasser outlined his Government's policy in these words:

"The resolutions concerning Palestine are an indivisible entity — the right of the refugees to return to their homeland, their right to their properties, or compensation for their properties, and their right to the Palestine territory cannot be divided . . . The only starting point would be to implement *all* United Nations resolutions. United Nations resolutions cannot be imposed on us alone while Israel is allowed to ignore them. All our problems with Israel stemmed from the fact that we agreed to comply with the United Nations resolutions and she did not."

The Arabs' attitude toward their obligations as members of the United Nations has not wavered since 1948; it was reiterated by President Nasser when he declared: "We are ready to accept a United Nations board or commission to put these (all six) resolutions into effect for both Israel and us. But it would be unfair if only we are asked to implement those on her side."

The Israelis' attitude, on the other hand, toward their obligations as a member of the World Body was reflected in the following statements by David Ben Gurion:

"FORCE OF ARMS, NOT FORMAL RESOLUTIONS WILL DECIDE THE ISSUE."⁽⁸⁾

"THESE (U.N.) RESOLUTIONS NO LONGER LIVE, NOR WILL THEY RISE AGAIN."⁽⁹⁾

"ALL THAT WE HAVE TAKEN WE SHALL HOLD."⁽¹⁰⁾

There is no stronger evidence than this admission by the architect of the Jewish state that the Zionist leaders never intended to respect the United Nations *recommendation* of partition of Palestine. They were determined to have more, and they needed some form of world support to justify their seizure of as much territory of the Holy Land as their forces could occupy before they were stopped.*

When the Zionists observed that the General Assembly had realized its error of judgment and was considering voiding the Partition Resolution and establishing instead a trusteeship over all Palestine, they hastened by 'force of arms' and established their 'state' within a territory different to that assigned to the 'Jewish state' under the Partition Resolution and faced the world with a *fait accompli*.

Hence it can never be claimed that the Jewish state was the product of the will of the majority of the United Nations member-states meeting at the time, as it neither conformed to the confines recommended nor abided by the guarantees given to the Arab inhabitants. It was the result of "violence and bloodshed", as U.N. Mediator Count Bernadotte later declared.⁽¹¹⁾

*As the years roll by, more and more of Israel's intentions and early actions will come to light. According to the New York Times of 9 March 1964, a public argument took place between David Ben Gurion and two Israeli generals. The latter is reported to have said the "Israeli territory might have been greater if Gen. Moshe Dayan had been chief of staff during the war of 1948 against the Arabs in Palestine."

III

The Armistice Agreements (1949)

What is an armistice? According to the dictionary an armistice is 'a brief cessation of arms by convention.' Under such circumstances certain conditions are usually laid down to be honored until agreement on permanent peace is reached.

The Armistice Agreements concluded between the Israelis on the one hand and the Arab states of Egypt, Lebanon, Jordan and Syria on the other, lay down certain conditions. To what extent have the Israelis violated these provisions?

The Agreements provide:

1. **"The armed forces of both Parties shall be totally excluded (from the demilitarized zone), in which no activities by military or para-military forces shall be permitted."**

The Israelis have occupied and incorporated into the Jewish state all demilitarized zones, fortified them and stationed military forces therein.

2. **"The Chairman of the Mixed Armistice Commission . . . and United Nations Observers attached to the Commission shall be responsible for ensuring the full implementation of this article."**

The Israelis refuse to permit United Nations personnel to enter the demilitarized zones; and on the Syrian and Egyptian borders have steadfastly refused to attend any meetings called by the Chairmen of the Mixed Armistice Commissions.

3. **"The Chairman of the Mixed Armistice Commission shall be empowered to authorize the return of civilians to (Arab) villages and (Jewish) settlements in the Demilitarized Zone."**

The Israelis not only prevented the implementation of these provisions as far as the Arabs were concerned; they also expelled across the border or banished into the interior those who remained in their villages, confiscated their lands, and established new Jewish settlements thereon.

4. **"The inhabitants of (border) villages shall be entitled to maintain, and shall be protected in, their full rights of residence, property, and freedom."**

The Israelis have so far confiscated over 15,000 acres of the Arab villagers' best land, and are in the process of confiscating still more, offering nominal or no compensation for the seizure.

5. **"The employment of limited numbers of locally recruited civilian police for internal security purposes."**

The Israelis failed to employ any such police at any time in Arab villages. Instead, they stationed their own Jewish police force.

6. **"It shall be prohibited for Israeli forces to enter or to be stationed in (border) villages."**

The Israelis did station their forces in such villages, which in 1956 resulted in the massacre of 51 men, women and children and the wounding of 13 others in the 'border' village of Kafr Qasem.

The Israeli authorities accepted these obligations voluntarily, and it was expected that they would honor their undertakings in the same way they demanded of the Arab states to honor theirs. While they authorized the return of Jewish settlers to their settlements within the

'demilitarized zones' and appointed Jewish police to protect them — thus enabling 'the gradual restoration of normal civilian life in the area of the Demilitarized Zone' as required by the Armistice Agreements as far as it affected Jews — they resisted 'the return of the civilian Arab population to their homes'; opposed the reconstruction of Arab villages within the zone wantonly demolished; forcibly removed those Arabs who remained in their villages; and refused to permit 'the employment of limited numbers of locally recruited civilian police in the Zone for internal security purposes.'

By these actions, the Israelis rendered ineffective the functions of the Chairman of the Mixed Armistice Commission, and for that matter, the entire provisions of the General Armistice Agreements as far as the interests of the Arab inhabitants and peace are concerned. In fact, Ben Gurion's announcement to the Israeli Parliament in November, 1956, that "the armistice with Egypt is dead, as are the armistice lines, and no wizard or magician can resurrect these lines,"⁽¹²⁾ confirms the Israelis' utter disregard for their international obligations.

IV

The Palestine Arab Refugees

When the Palestine tragedy occurred in 1948, the conscience of the world was moved and prompt action was taken to bring relief to the victims. But through political obstruction inside and outside the United Nations, the injustice has been allowed to linger and the distress prolonged until now it can be said to have been added to the category of 'problems' which the world tends to accept as chronic and something it must learn to live with. Thus, the initial impulse of conscience became blunted and the calamity was allowed to continue indefinitely. Instead of a just solution being imposed by the United Nations, meagre relief is doled out to the victims in the hope that time will solve the problem.

Statements have even been heard during U.N. debates that after all the Palestine Arabs were not the only refugees in the world, and that there was no reason why they should receive preferential treatment.

There is one basic difference which few recognize between, on the one hand, the refugees from, say, European countries, Red China, Cuba, and those who moved away when India and Pakistan became

independent, and, on the other hand, the Palestine Arabs. The former were not ousted by their governments but left of their own volition because they either disagreed with or did not wish to live under existing political conditions. There is no law or policy in all these cases to prevent their returning if they wished to do so. The Palestine Arabs, on the other hand, were forcibly expelled and dispossessed by an alien people who established themselves as a government; they are still eager to return to their country and homes, whatever the political set-up; and are only prevented from doing so by the usurpers who now occupy their homes and lands.

United Nations failure to live up to its responsibilities and the guarantees it voluntarily undertook to safeguard Arab rights, property and interests in the territory set aside for the Jewish state, has encouraged the aggressor and reduced the chances of a peaceful settlement.

Solutions have been offered from time to time but all invariably ignored the Palestine Arabs' legitimate rights to their country and United Nations resolutions. One of these proposed solutions is that the refugees should be resettled in Arab countries. The answer to this suggestion may be found in the late Secretary-General's report for 1959. He warned: "No reintegration would be satisfactory, or even possible, were it to be brought about by forcing people into their new positions against their will. It must be freely accepted, if it is to yield lasting results in the form of economic and political stability."⁽¹³⁾

The attitude of the refugees has been made clear since 1948, that they are unwilling to accept anything short of a free choice to return to their homes and resume possession of their own property. This expression of desire has not altered during the years and has been conveyed annually to the General Assembly by the Director of the Agency responsible for the relief of the refugees (UNRWA). He said:

"The great mass of the refugees continues to believe that a grave injustice has been done to them and to express a desire to return to their homeland. In particular, they request the implementation of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948 concerning repatriation and compensation. . . . The refugees collectively remain opposed to certain types of self-support projects which they consider would mean permanent resettlement and the abandonment of hope of repatriation. . . . On the other hand, the Government of Israel has taken no affirmative action in the matter of repatriation and compensation. It remains the Director's opinion that, unless the refugees are given the choice between repatriation and compen-

sation provided for in resolution 194 (III), or unless some other solution acceptable to all parties is found, it would be unrealistic for the General Assembly to believe that decisive progress can be accomplished by UNRWA towards the "reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement" in line with General Assembly resolution 393 (V) of December 1950."⁽¹⁴⁾

As early as 1948, U.N. Mediator Count Bernadotte advised the General Assembly that the refugees' "unconditional right to make a free choice should be fully respected."⁽¹⁵⁾

On 14 November 1960, the Director of UNRWA told the United Nations:

"As one might expect, this review of the past and present drove home to each of us, even more forcefully, the truly tragic plight of the Palestine refugees. For more than twelve years they have existed by virtue of charity meted out on a meagre scale. For the most part they have lived without opportunity for self-advancement, and—worst of all—their hopes for the future have tended to grow dimmer rather than brighter.

"Meanwhile, the number of refugee dependents continues to increase—now by more than 30,000 per year; and their resentment and bitterness continue unabated as they determinedly demand the implementation of General Assembly Resolution 194 (III), which holds out to them a right of choice between repatriation and compensation.

"Viewed by any standard, the plight of these people during the past twelve years stands out as a dark page in human history."⁽¹⁶⁾

V

The Arabs In the Israeli - Occupied Part of Palestine

Another aspect of Israeli disrespect for international obligations lies in their treatment of the Arab minority.

The Israelis claim their state to be the only democratic nation in the Middle East where all citizens enjoy full and equal rights without distinction as to race, color, or religion. Accordingly, Israel poses as a freedom-loving nation, fulfilling all the requirements of the United Nations Charter, the Universal Declaration of Human Rights, and the United Nations Partition Resolution which gave birth to the Jewish state.

The fact that this claim has so far passed unchallenged does not mean that it is justified. Whereas it may be true that the Jewish majority in the country enjoys full rights and liberties, it is certainly not true of the Arab minority, Moslems and Christians.

A nation's democracy is judged not by the form of government it has or by the method of its voting or the number of its political parties, but by the manner and extent of the equalities and freedoms allowed and enjoyed by all its citizens without discrimination.

A comparison between the basic principles regarding minority rights as laid down in the United Nations Charter, the Universal

Declaration of Human Rights, and the Partition Resolution, and the manner in which the Israelis have carried out their human and contractual obligations, is given hereunder:

1. **'No person shall be subjected to arbitrary...exile.'**

The Israelis have expelled about 35,000 of the Arab inhabitants of the Israeli-occupied territory from their homes and villages to other parts of the country, and refuse to allow them to return.

2. **'Guarantees 'to all persons equal and non-discriminatory rights.'**

The Israelis have placed the Arab minority in a class 'B' category; restricted their movements; discriminated against them in employment, in government service, in education, in health facilities, and prevent them from forming their own political parties or trade unions.

3. **'Everyone has the right to freedom of movement and residence within the borders of the state.'**

The Israelis have prohibited the free movement of the Arab minority and impose forced residence on some for the least cause.

4. **'Everyone has the right to leave any country, including his own, and return to his country.'**

The Israelis prevent an Arab from travelling outside of the country unless he undertakes to sign away his right of return.

5. **'No expropriation of land owned by an Arab in the Jewish state shall be allowed except for public purposes.'**

The Israelis have so far expropriated without payment 1,250,000 dunums (312,500 acres) of fertile Arab land and are in the process of confiscating more.

6. **'Palestinian citizens residing in Palestine . . . shall, upon recognition of independence, become citizens of the state.'**

The Israelis, while granting immediate citizenship rights to any Jew the moment he steps onto Palestine soil, withhold, with few exceptions, such rights from the Arab inhabitants who have been born and live in the country.

7. **'The control and administration of Waqf (pious foundation property) shall be exercised in accordance with religious law and the dispositions of the founders.'**

The Israelis have taken over such properties and are utilizing the proceeds from the sale or lease thereof for the settlement of new Jewish immigrants, contrary to the 'dispositions of the founders.'

This is not all. The Israeli-Zionist propaganda machine continues to deliberately mislead public opinion when it claims that the Arabs in Israeli-occupied territory have full political rights on the grounds that there are some six Arabs sitting as members in the Israeli Parliament.

That may be so, but little is known that the Arab minority is not permitted to form its own political party to defend Arab rights and interests but that an Arab wishing to sit in Parliament must belong to a Jewish party; and, as such, the Arab members are rendered incapable of protecting Arab rights and interests because Israeli policy generally is to discriminate against non-Jews and to strip them of their holdings.

A further instance worth mentioning is the position of Christians in Jordan as compared with the position of Arabs in Israeli-occupied Palestine. Whereas in Jordan there is a 10% Christian minority as against an 11% Arab minority in Israeli-occupied territory, the Christians in Jordan hold two cabinet posts—including more often the important post of Foreign Minister—and more than half the posts of Directors of Departments and heads of sections. The Israeli Cabinet has never included an Arab and the same can be said of the senior division of the service.

Commenting on the treatment by the Israelis of the Arab minority, James Warburg, former banker and writer on international affairs, said: "Nothing could be more tragic than to witness the creation of a Jewish state in which the non-Jewish minorities are treated as second-class citizens—in which neither a Jew's Christian wife nor their children can be buried in the same cemetery as their father." Warburg then remarked: "It is one thing to create a much-needed refuge for the persecuted and oppressed. It is quite another thing to create a new chauvinistic nationalism and a state based in part upon medieval theocratic bigotry and in part upon the Nazi-exploited myth of the existence of a Jewish race."⁽¹⁷⁾

With such a record as has been indicated, the Israeli claim that the Jewish state is a democratic nation in which all citizens enjoy equal rights and freedoms, is without foundation. It is not what is written into a constitution or law that counts, but how the minority is being treated by the majority. All men are born free and equal before God, and it is a crime to withhold what God in His goodness has given to man. Of this the Israelis are profoundly guilty.

VI

Misconceptions About The Palestine Situation

There has been a general assumption that the Arab states are using the refugees as pawns in the game of power politics with Israel. The additional charge is made that the Arab states have both mistreated and neglected the refugees and have made no effort to alleviate their sufferings.

The facts have been obscured mainly through Israeli propaganda. But Dr. John H. Davis, former Commissioner-General of the United Nations Relief and Works Agency (UNRWA) for Palestine, who can speak with authority on the subject, has now exploded the misconceptions about the situation.

In a speech delivered before the Conference of Voluntary Agencies in Geneva, Switzerland, on 18 January 1961, Dr. Davis declared that "the Palestine refugee problem has defied political solution, not because of alleged 'whims' of Arab politicians or the reputed 'shiftless' nature of the refugees, but because of the 'depth and universality' of the conflict of basic feeling between Arabs and Israelis."

"The reason," he pointed out, "is a 'widespread lack of understanding' of the problem." He listed what he termed as five major 'misconceptions' about the situation:

"1. 'That the Palestine Arab people are shiftless and prefer international charity to working for a living.'

Dr. Davis countered that this is not true — the Palestinians are 'generally industrially inclined and have a strong desire to be self-supporting. As of 1948, the Palestine economy and culture were about the most advanced of any in the Middle East.'

"2. 'That the Arab host governments have mistreated the refugees by neglecting them and even holding them as hostages in their struggle with Israel.'

Dr. Davis replied that 'the truth is that in general the host governments have been sympathetic and generous within their means.'

"3. 'That the "conniving of unprincipled Arab politicians" had held the refugees idle.'

Dr. Davis declared that Arab politicians 'quite accurately voice the deep feelings and aspirations' of their peoples, refugees and non-refugees alike, when they refuse to 'accept Israel as a permanent component of the Middle East. It is the basic feelings of the peoples on both sides of the Palestine issue rather than politicians' whims, that have prevented and still prevent a political solution to the Palestine problem.'

"4. 'That a political solution would mean an end to the refugee problem.'

Dr. Davis pointed out that, politics aside, there is the human aspect of the problem—namely, that a large portion of the adult male refugee population is unemployable. The older generations were farmers or unskilled labourers, and the younger are untrained, and all of them are now living in countries where the demand for such workers is already fully met.

"5. 'That external pressure should now be applied to host governments to force them to solve the refugee problem more quickly.'

Dr. Davis said 'in view of the human aspect of the problem

alone and without regard to political factors (important as they are), the Arab host governments cannot themselves solve the Palestine refugee problem. To pressure them to do so would tend to increase economic and political instability in these countries, which in turn, would tend to delay rather than facilitate a permanent solution.'"⁽¹⁸⁾

As regards the Arab states' contributions to the refugees, these have not been well known, and it is well that due acknowledgement has now been forthcoming from UNRWA itself, if only for the record:

"Between 1 December 1948 and 30 June 1961, some \$396,856,800 were contributed in assistance to the Arab refugees, whether to the United Nations Relief for Palestine Refugees (1948-1950) or to UNRWA, the total contribution to UNRWA (1950-1961) being \$368,776,096. The United States contributed some \$250,579,393 to UNRWA, about 70% of the total figure, the United Kingdom \$66,224,004, Canada \$11,512,563, France \$11,247,498, United Arab Republic \$3,789,563, Australia \$2,272,703 and New Zealand \$1,596,000. Altogether fifty-eight states have contributed to assistance for the Arab refugees.

"... The Arab Host Governments have contributed some \$7,431,905 to UNRPR and to UNRWA during the period 1948 to 1961, of which some \$6,660,095 went to UNRWA. This figure totals \$9,437,743 when one adds the contributions of the other Arab Governments. It is conservatively estimated that the Arab Host Governments have contributed some \$38 million in direct aid to the refugees in various goods and services since 1948, the rate of direct contributions now being about \$5 million per year. Various Arab non-governmental organizations and institutions, and individuals since 1948 have contributed in cash, kind and services, some \$2,020,715, thus bringing the overall total assistance from Arab sources, for which there is record, to about \$50 million since the beginning of the refugee problem, whether in the form of contributions to UNRPR and UNRWA or directly to the refugees.""⁽¹⁹⁾

In his reports to the United Nations, Dr. Davis wrote:

"In general, the host countries and governments show deep understanding of the refugees and sympathy for their needs."⁽²⁰⁾ He also noted: "The severe strain which the refugee problem places on the whole structure—political, economic and social—of the host countries, and their natural concern with the scope and complexity of the Agency's operations, must be borne in mind."⁽²¹⁾

VII

Israeli Treatment of The Palestine Arabs As Others See It

1. U.N. Mediator Count Folke Bernadotte

"It is, however, undeniable that no settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged. . . . It would be an offense against the principle of elemental justice if these innocent victims of the conflict were denied the right of return to their homes while Jewish immigrants flow into Palestine, and indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries.

"There have been numerous reports from reliable sources of large scale looting, pillaging and plundering, and of instances of destruction of villages without apparent military necessity. The liability of the Provisional Government of Israel to restore private property to its Arab owners and to indemnify those owners for property wantonly destroyed is clear . . ." ⁽²²⁾

2. Major Edgar O'Ballance

"It was the Jewish policy to encourage the Arabs to quit their homes, and they used psychological warfare extensively in urging them to do so. Later, as the war went on, they ejected those Arabs who clung to their villages. This policy, which had such amazing success, had two distinct advantages: First, it gave the

Arab countries a vast refugee problem to cope with which their elementary economy and administrative machinery were in no way capable of attacking; and secondly, it ensured that the Jews had no fifth column in their midst.

"Many Israeli sympathizers were appalled at the ruthless way in which the Arab inhabitants were ousted from their homes and driven before advancing armies, and this caused many twinges of conscience in the Western world. The Israelis made no excuse for it *as it was all part of their plan* for the reconquest of their *Promised Land*, in which there was no room for large, hostile, alien groups." ⁽²³⁾

3. Sir John Bagot Glubb, Officer Commanding Arab Legion

The Zionist *plan* to which O'Ballance referred was described thus:

"In December, 1947, a senior British Officer of the Arab Legion, in conversation with a senior Jewish Official in the Palestine Government, inquired 'whether the new Jewish state would not have many internal troubles, in view of the fact that the Arab inhabitants of the Jewish state would be equal in number to the Jews.' 'Oh, no!' replied the Jewish officer. 'That will be fixed. A few calculated massacres will soon get rid of them.'"

"Loudspeakers roamed the streets of Jerusalem warning the Arab inhabitants that 'The Jericho road is still open. Fly from Jerusalem before you are killed.' " ⁽²⁴⁾

"Later on, when the problem of the Arab refugees became a tragedy which drew the attention of the world, Jewish apologists claimed that the Arabs had voluntarily become refugees, and that they had not been driven out." ⁽²⁵⁾

"The story which Jewish publicity at first persuaded the world to accept, that the Arab refugees left voluntarily, is not true. Voluntary emigrants do not leave their homes with only the clothes they stand in. People who have decided to move house do not do so in such a hurry that they lose other members of their family—husband losing sight of his wife, or parents of their children. The fact is that the majority left in panic flight, to escape massacre. They were in fact helped on their way by the occasional massacre—not of very many at a time, but just enough to keep them running. Others were encouraged to move by blows or by indecent acts." ⁽²⁶⁾

4. Erskine B. Childers (British writer)

"Examining every official Israeli statement about the Arab exo-

dus, I was struck by the fact that no primary evidence of evacuation orders was ever produced. The charge, Israel claimed, was 'documented'; but where were the documents? There had allegedly been Arab radio broadcasts ordering the evacuation; but no dates, names of stations, or texts of messages were ever cited. In Israel in 1958, as a guest of the Foreign Office and therefore doubly hopeful of serious assistance, I asked to be shown the proofs. I was assured they existed, and was promised them. None had been offered when I left, but I was assured again. I asked to have the material sent to me. I am still waiting.

"I next decided to test the undocumented charge that the Arab evacuation orders were broadcast by Arab radio — which could be done thoroughly because the BBC (British Broadcasting System) monitored all Middle Eastern Broadcasts throughout 1948. The records, and companion ones by a U.S. monitoring unit, can be seen at the British Museum. There was not a single order, or appeal, or suggestion about evacuation from Palestine from any Arab radio station, inside or outside Palestine, in 1948. There is repeated monitored record of Arab appeals, even flat orders, to the civilians of Palestine to stay put. To select two examples: On 4 April, as the first great wave of flight began, Damascus Radio broadcast an appeal to everyone to stay at their homes and jobs. On 24 April, with the exodus now a flood, Palestine Arab leaders warned that:

'Certain elements and Jewish agents are spreading defeatist news to create chaos and panic among the peaceful population. Some cowards are deserting their houses, villages or cities . . . Zionist agents and corrupt cowards will be severely punished (Al-Inqaz —The Arab Liberation Radio—at 1200 hours).'

"Even Jewish broadcasts (in Hebrew) mentioned such Arab appeals to stay put. Zionist newspapers in Palestine reported the same: none so much as hinted at any Arab evacuation orders."⁽²⁷⁾

5. Arnold Toynbee (British historian)

"If the heinousness of sin is to be measured by the degree to which the sinner is sinning against the light that God has vouchsafed to him, the Jews had even less excuse in A.D. 1948 for evicting Palestinian Arabs from their homes than Nebuchadnezzar and Titus and Hadrian and the Spanish and Portugese Inquisition had had for uprooting, persecuting, and exterminating Jews in Palestine and elsewhere at divers times in the past. In A.D. 1948 the Jews knew, from personal experience, what they were doing; and it was their supreme tragedy that the lesson learned by them

from their encounter with the Nazi Gentiles should have been not to eschew but to imitate some of the evil deeds that the Nazis had committed against the Jews.

"The evil deeds committed by the Zionist Jews against the Palestinian Arabs that were comparable to crimes committed against the Jews by the Nazis were the massacre of men, women, and children at Deir Yasin on the 9th of April, 1948, which precipitated a flight of the Arab population, in large numbers, from districts within range of the Jewish armed forces, and the subsequent deliberate expulsion of the Arab population from districts conquered by the Jewish armed forces . . ."⁽²⁸⁾

"The Jewish treatment of the Arabs in 1947 was as morally indefensible as the slaughter by the Nazis of 6,000,000 Jews.

"The most tragic thing in human life is when people who have suffered impose suffering in their turn." When told by the Israeli Ambassador that the Nazi action was planned and carried out in cold blood, Toynbee retorted: "I still feel that the massacres of Arab civilians by the Israeli armed forces were carried out cold-bloodedly and with a purpose. It is impossible to be more than 100% wicked. A murder is a murder. If I murder one man, that makes me a murderer. I don't have to reach 6,000,000 or even 1,000."

On the question of the return of the refugees, Professor Toynbee drew attention to the fact that the Jews had acquired most of the land in Israel by dispossessing the Arabs. "To put it bluntly," he said, "this is robbery, and I am sure it is on the Jewish conscience. What I have said has given the Jews a bit of a shock treatment. I have said aloud a bit of what is being said inside your conscience. I say listen to your own inner voices," Toynbee advised his Jewish audience.⁽²⁹⁾

6. Rabbi R. Benjamin (From the Israeli-occupied part of Palestine)

"In the end we must come out publicly with the truth: that we have no moral right whatever to oppose the return of the Arab refugees to their land . . . that until we have begun to redeem our sin against the Arab refugees, we have no right to continue the Ingathering of the Exiles. We have no right to demand that American Jews leave their country to which they have become attached, and settle in a land that has been stolen from others, while the owners of it are homeless and miserable.

"We had no right to occupy the house of an Arab if we had not paid for it at its value. The same goes for fields, gardens, stores,

workshops. We had no right to build a settlement and to realize the ideal of Zionism with other people's property. To do this is robbery. I am surprised that Rabbi Herzog and all those who speak in the name of Jewish ethics and who always quote the Ten Commandments should consent to such a state of affairs. Political conquest cannot abolish private property."⁽³⁰⁾

7. William Zukerman (Editor, Jewish Newsletter)

"The fact that they (the Arab refugees) fled in panic because of a real, or imaginary, danger is no excuse for depriving them of their homes, fields and livelihoods. No people is exempt from panic in war time; least of all the Jews. . . . To deprive them (the Arabs) of their homes and property because they, like most humans, sought safety for themselves and their children, is a grave act of injustice . . . It is a reversal of all the moral principles upon which the Jews have based their civilization and their way of life from the days of the Prophets to the present. How can a people which has for centuries led a life as refugees and experienced all the bitter pain of exile, begin its political renaissance with an act of injustice against other refugees?

"The most tragic aspect of this entire affair is not only that a grave collective injustice has been committed, but that the majority of Israelis and Diaspora Jews justify and glorify it as an act of patriotic pride, historic justice and heroism. Not until this appalling spiritual confusion is cleared up, can any practical measures be undertaken."⁽³¹⁾

8. Nathan Chofshi (From Tel-Aviv)

"If Rabbi Kaplan really wanted to know what happened, we old Jewish settlers in Palestine who witnessed the fight could tell him how and in what manner we, Jews, forced the Arabs to leave cities and villages . . . Some of them were driven out by force of arms; others were made to leave by deceit, lying and false promises. It is enough to cite the cities of Jaffa, Lydda, Ramle, Beersheba, Acre from among numberless others.

"In the last analysis, these are the bare facts which strike our eyes: Here was a people who lived on its own land for 1,300 years. We came and turned the native Arabs into tragic refugees. And still we dare to slander and malign them, to besmirch their name. Instead of being deeply ashamed of what we did and of trying to undo some of the evil we committed by helping these unfortunate refugees, we justify our terrible acts and even attempt to glorify them."⁽³²⁾

VIII

Israeli Military Aggressions (1948-1962)

The Israeli authorities accuse the Arab states from time to time of aggression and describe Israeli attacks against Arab territory as 'retaliation'.

U.N. records show that *at no time have any of the Arab states been found guilty and condemned* by any organ of the United Nations for attacks by their regular military forces against territory occupied by the Israelis. On the other hand, the same records show that the *Israelis have been found guilty and condemned at least 29 times, and for five of which were censured by the Security Council, for attacks by their regular armed forces against Arab territory. In addition, the Israelis received world condemnation for their wanton attack on Egypt in collusion with Britain and France in 1956.**

The most outstanding of these attacks, and for which the Israelis were condemned, occurred at Qibya in 1953; Nahhalin in 1954; the Gaza Strip in 1955; the Syrian outpost on Lake Tiberias in 1956; Qalqilya in 1956; the invasion of Egypt in 1956; Et-Tawafiq in 1960; and Syrian territory on Lake Tiberias in 1962. Discussing the latter in the Security Council, the British representative strongly condemned

*For further details, see *Annex* hereto, Part III.

the Israeli 'deliberate attack' and demanded that the Israeli leaders should drop their 'policy of violence' in favor of cooperation with the United Nations; U.S. Ambassador Adlai Stevenson also rapped the Israelis for reverting to military actions which flagrantly violated U.N. resolutions. "This policy", he said, "contributed to the rapid rise of tensions in the Middle East during 1955 and 1956 and it can no more be countenanced today than it was then"; and U.N. Truce Supervisor, Major-General Carl C. van Horn told the Council that there was no evidence to support the Israeli charge that the attack on Syria was necessary to destroy a fortified post in self-defense. He added that his observers found no evidence of any such post 'either existing or destroyed' in the area concerned.

This testimony is ample proof that there was really no justification for the attack; and if the Israelis thought they had any, then as a so-called 'law-abiding' nation expected to honor its obligations as a member of the United Nations, they would bring their complaint to the Security Council rather than take the law into their own hands. The fact that the Israelis avoid cooperation with the United Nations in keeping peace in the Middle East, as the Charter demands, proves their aggressive character and disrespect for the organization which created the Jewish state in the first instance.

While the Israelis, by reason of their crime in Palestine, oppression of the Palestine Arabs, and periodic aggression against Arab territories, may benefit financially by receiving increased donations from world Jewry, these incursions are not without their dangers and might not always end up merely in condemnation or censure!

IX

Israeli Immigration and Expansionist Policies

A — Unlimited Immigration

The Israelis pursue a policy of unlimited immigration without regard to the absorptive capacity of the country or the dangers which it poses to neighboring countries because of over-crowding. David Ben Gurion declared in 1959, "The right to exist, the power to exist, and the motive for existence of the state of Israel lie in mass immigration;"⁽³³⁾ while the Director General of the Ministry of Defense and one of Ben Gurion's chief lieutenants, in a speech delivered on Rumanian immigration, said: "The greater the population of Israel, the greater will be her army. A million soliders will safeguard the state of Israel against any Arab attack. No Arab country will dare to attack Israel if her army will be a million strong."⁽³⁴⁾

The entry of more immigrants into Palestine, coupled with the offensive policy of the Israeli leaders, constitutes a threat of permanent displacement of the Palestine Arabs and the flouting of United Nations resolutions—a situation which can only aggravate the Palestine problem.

It will be recalled that as early as 1948, such a situation was foreseen by the late Count Bernadotte, who reported to the Security Council: "It could not be ignored that unrestricted immigration to the Jewish area of Palestine might, over a period of years, give rise to a population

pressure and to economic and political disturbances which would justify present Arab fears of ultimate Jewish expansion in the Near East. It can scarcely be ignored," he continued, "that Jewish immigration into the Jewish Area of Palestine concerns not only the Jewish people and territory but also the neighboring Arab world."⁽³⁵⁾

B — Israeli Expansion

On the face of it, Zionism began with the seemingly innocuous objective of securing a refuge for the persecuted Jews of Europe, but when it obtained a foothold in Palestine through the Balfour Declaration, it began to clamour for statehood, and when it achieved this statehood, it began to plan for expansion.

The limits of *Eretz Israel* as loosely defined by the Zionist movement, coincide with the ancient biblical and historical boundaries of the *Promised Land*, namely, from 'the Nile in Egypt to the River Euphrates in Iraq'—to include the Sinai Peninsula, Jordan, Lebanon, Syria and parts of Iraq and Saudi Arabia.

That it is the Israeli policy to expand is clear from the numerous statements of their leaders and their government's activities since 1948.

The following are a few illustrations:

1. "It lies upon the people's shoulder to prepare for the war, but it lies upon the Israeli army to carry out the fight with the ultimate object of erecting the Israeli Empire."

Moshe Dayan, former Chief of Staff of the Israeli Army, from the Arabic program over the Israeli Radio, February 12, 1952.

2. "I accept to form the Cabinet on one condition and that is to utilize all possible means to expand towards the south."

David Ben Gurion, Prime Minister of Israel, from a speech delivered at a meeting held by the Mapai Party at Beer-sheba in 1952.

3. "I deeply believe in launching preventive war against the Arab states without further hesitation. By doing so we will achieve two targets: firstly the annihilation of the Arab power, and secondly the expansion of our territory."

Menachen Beigin, leader of the *Herut* Party, from a statement made in the Israeli Parliament on October 12, 1955.

4. Mr. Ben Gurion writing in the Israeli Yearbooks, asserted that the state "has been resurrected in the western part of the land" of Israel, and that independence has been reached "in a part of

our small country." He added: "Every state consists of a land and a people. Israel is no exception, but it is a state identical neither with its land nor with its people. It has already been said that when the State was established, it held only six per cent of the Jewish people remaining alive after the Nazi cataclysm. It must now be said that it has been established in only a portion of the Land of Israel. Even those who are dubious as to the restoration of the historical frontiers, as fixed and crystallized from the beginning of time, will hardly deny the anomaly of the boundaries of the new State."⁽³⁶⁾

5. A spokesman of the *Herut* party, the second largest party in the Israeli Parliament, declared in New York in 1956: "Peace with the Arab countries is *impossible* with the present boundaries of Israel which leave Israel open to attack." He advised that "Israel should take the offensive immediately and capture strategic points along its border, including the Gaza Strip, and then should take over the British-backed Kingdom of Jordan."⁽³⁷⁾

It was either by strange coincidence or as a result of premeditated organization and planning that Israel did in fact attack Egypt ten months later, and did occupy the Gaza Strip. Ben Gurion, in announcing the invasion of the Sinai Peninsula, said: "The army did not make an effort to occupy enemy territory in Egypt proper and limited its operations to *free* the area from northern Sinai to the tip of the Red Sea." Referring to the occupation of the Island of Tiran in the Gulf of Aqaba, he described it as 'the island of Yotvat, south of the Gulf of Elath, which was *liberated* by the Israeli army.'⁽³⁸⁾

Mr. Ben Gurion's statement, and the selection of the words 'free' and 'liberated,' also the use of Hebrew expressions for centuries-old Arabic names, leaves no doubt that the Israelis then planned to expand so as to include the whole of the Sinai Peninsula and the Gaza Strip. The fact that conditions in the world then prevented the Israelis from keeping what they went out to get, does not preclude the possibility that they will try again in the future.

For the Arabs to relax their vigilance in the face of such danger living in their midst would be suicidal; for the United Nations not to heed the advice of its Mediator that 'Jewish immigration into the Jewish area of Palestine might give rise to a population pressure and to economic and political disturbances' is tantamount to reneging its responsibilities for justice and world peace; and for the Western Powers to persist in the moral, political and financial support of an aggressive Israel may prove disastrous.

X

Israeli Peace Offers

At the annual sessions of the U.N. General Assembly, a group of nations is usually influenced to sponsor draft resolutions calling upon Israel and the Arab States "to undertake direct negotiations . . . to finding a solution . . . for all questions in dispute between them, including the question of the Arab refugees."⁽³⁹⁾

On the face of it, the efforts of these member-states may appear good-intentioned, and when the proposal fails to gain majority approval, some express surprise.

Were the sponsors to give more thought to the implications involved in their lending their governments' names to the document and less attention to Israeli propaganda and maneuvering, they would realize that the proposal is designed to negate rather than uphold United Nations resolutions under the cloak of 'peace'. The resolutions called upon the Israelis to surrender extra territory occupied beyond the area assigned to the Jewish state under the Partition Plan; to give the refugees the choice between repatriation and resettlement (with compensation) in Arab territories; and to permit the internationalization of Jerusalem.

A draft resolution calling upon Israel "to undertake negotiations through the Palestine Conciliation Commission for a solution of the Palestine question within the framework of United Nations resolutions"—as the 'Lausanne Protocol' signed by the Israelis and the Arab states on 12 May, 1949, had provided but which was later repudiated by the Israelis—would have been more in line with the findings and resolutions of the United Nations. Such negotiations, if they are to produce results, should first be with the Palestine Arabs who have the first and last say in the matter. The position of the Arab states in the dispute is that they fully support the Palestine Arabs in their attitudes and demands.

It is not a call to negotiate peace that will bring peace, but the acceptance of the principles on which a peace can be negotiated. In the case of Palestine, these principles are:

to admit that a crime against humanity has been committed;
to recognize one's responsibilities to the community of nations and fulfill them; and

to take measures to redress the wrong and remove the injustice.

Israel's offers for peace do not fulfill any of these requirements and therefore they have been described "as far from real peace as blatant propaganda is from the truth. It has been shouted so loudly and so often by Ben Gurion and other Israeli leaders since 1948 that it is well on the way to becoming a cliché of the century."

The events since 1948 have shown that each time Israel talks about peace it does so in the hope that it will lull the Arab states into false security and then attack them. To illustrate:

1. On 9 January 1952, Aba Eban told the United Nations: ". . . the Arab and Israel peoples, united by so many bonds . . . may yet make this region the scene of civilization worthy of its ancient and medieval past."

On January 28, the Jordan villages of Falama and Rantis were attacked.

2. On 28 September 1953, Aba Eban told the U.N.: "My Government continues to uphold the vision of the Middle East at peace within itself, uniting the efforts of its two kindred peoples to heal the wounds of aggressive violence . . ."

On 14 October, the brutal attack on Qibya took place where 42 civilians were killed, 4 men and 38 women and children were wounded, and a mosque, school and 40 houses destroyed.

3. On 11 December 1953, then Foreign Minister Moshe Sharett, declared: "There is also a major problem of our relations with the Arab States around us. All I can say on this is that the conclusion of permanent peace between us depends on them alone—on our part we are always ready for it."

On 28 March 1954, the Jordan village of Nahhalin was attacked under circumstances similar to those of Qibya.

4. In January, 1955, Moshe Dayan, Chief of Staff of the Israeli Forces said: "Israel has no aggressive designs against her neighbors."

On 28 February 1955, an attack was made on Gaza in which 38 persons were killed and 31 wounded.

5. On 14 August, 1955, Ben Gurion declared: "We must faithfully observe the conditions of the Armistice Agreements . . . We must . . . strive incessantly for relations of peace and co-operation between Israel and the Arab States."

On 31 August, Khan Yunis and Bani Suheila in the Gaza Strip were attacked, and the 'Demilitarized Zone' was occupied.

6. On 21 March, 1956, Moshe Sharett said: ". . . since the summer of 1948, we have made one attempt after another to induce our neighbors to enter into negotiations with us that might lead to a peace settlement."

In April, Deir el-Balah, Gaza, and Khan Yunis were attacked. Fifty-nine civilians were killed and 102 wounded.

7. On 2 July, 1956, Golda Meir said: "I should like to survey some of the basic considerations that guide our foreign policy. First and foremost comes peace; . . . Our policy has . . . always been one of peace."

On 29 October, the invasion of the Sinai Peninsula started.

The Israelis may want peace but they want peace on their own terms. Ironically, these include:

The abrogation of all United Nations Resolutions on Palestine;

The legalization of the crime of exiling and dispossessing an entire nation;

The resettlement of the Palestine Arabs in Arab countries;

The recognition of Israel as a sovereign state; and

The removal of the Arab boycott and restrictions on passage of Israeli ships through the Suez Canal.

And what has Israel got to offer the Arabs? The payment, under certain conditions, of compensation for the illegal seizure of Arab property, as if the Palestine Question was only one of property and compensation!

Do the Israelis really believe that the Arabs could accept such conditions, or that serious-minded people in the world could consider peace on such terms as logical, feasible and just? Are they virtually not conditions of unconditional surrender?

Under such circumstances, and in the light of past experience, the Arabs regard the Israeli 'peace offers' as dishonest and inconsistent with justice and reason, and so long as they remain so, they will continue to be ignored.

XI

The Way to a Solution

British historian Arnold Toynbee, concerned with peace in the Middle East, said:

"In seeking for terms on which a peace-settlement in Palestine might be arrived at, we ought to be guided all the time by three principles. The first of these is justice: the vindication of people's rights, and the righting of their wrongs. The second is humanity: the least possible suffering for the smallest number of people. The third is freedom of choice: the greatest possible number of options for people whose lives and rights will be affected by a peaceful settlement . . ."

"Justice declares that everyone, Arab or Jew, who was domiciled in Palestine before the war of 1948 and who owned a home, land, or other property there before that date, is still the legal owner of that property—even if he is now being prevented from enjoying the use of it . . ."

Toynbee then pointed out that:

"It has sometimes been argued that the Palestinian Arab refugees have forfeited their rights to their property on the Israeli side of the armistice line by not remaining in their homes during the hostilities in 1948. This is a doctrine that has not been, and will not be, accepted in the civilized world. If this doctrine were ap-

proved, we should have to conclude that the Nazis were justified in seizing the property of Jews who had the foresight and the opportunity to escape from Germany . . .”

The historian then concluded by saying that:

“The principle of upholding property rights leads to the following conclusion: Every Palestinian—Jew or Arab—who owns a home and/or property on the other side of the 1949 armistice line and is now being prevented from enjoying the use of it has a right to return to his home and property and to re-enter into possession.”⁽⁴⁰⁾

No one will deny that these principles are logical, equitable and generally acceptable for application to any problem affecting the expulsion and dispossession of people for any reason whatsoever. They have been generously applied to the Jewish victims of Nazi oppression; there is no reason why they should not now be applied to the Arab victims of Zionist aggression.

The United Nations, in attempting to find a solution to the Palestine problem, called, among other things, for a settlement based on the principles outlined by Toynbee. The Arab states accepted the settlement; the Israelis did not, and in their defiance relied upon Zionist influence in the capitals of the world to prevent any political or economic action which the U.N. Charter prescribes for violators.

The United Nations, as the organization responsible for the Palestine tragedy, is the only authority which can get this deadlock broken, but to do so will require the courage and determination of all its members. It should be remembered that if the United Nations once fails to protect the rights and interests of small nations, it will fail again in the future and thus become an ineffective instrument for maintaining peace and justice in the world. If, on the other hand, it succeeds in asserting its authority and respect for its resolutions, then the world organization will have reached the goal it has set for itself when it was first established in 1945, namely,

‘to save succeeding generations from the scourge of war . . .

‘to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

‘to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law . . .’

(U.N. Charter)

Annex

The United Nations and The Palestine Question, (1947-1964)

By Fayez A. Sayegh, Ph. D.

i. Extent and Degree Of United Nations Involvement: A Statistical Summary

The Palestine question was first brought to the United Nations in April, 1947; it has been before the United Nations continuously ever since. No other problem has engaged the attention of the World Organization as intensively or as extensively.

The extent and degree of involvement of the United Nations in the fate of the Holy Land may be measured by the following yardsticks:

(1) Alone among the scores of problems brought before the United Nations, the Palestine question has been dealt with by *all six* organs designed by the Charter (in Article 7) as "*the principal organs of the United Nations*":

- a) The *General Assembly* has had the question on its agenda at every regular session it has held since April, 1947, (from the second to the eighteenth, inclusive), and has devoted its two special sessions (of 1947 and 1948) and the first of its emergency special sessions (in 1956) to the situation in Palestine—a total of *twenty sessions*.
- b) The *Security Council*, which dealt with the question for the first time at its 222nd meeting, has devoted one out of every four meetings it has held since then to the examination of the situation in Palestine.
- c) The *Economic and Social Council* has had the question on the agenda of *four* of its regular sessions.
- d) The *Trusteeship Council* has considered some aspects of the question in *five* sessions: four regular and one special.
- e) The *International Court of Justice* has held *three public sittings* to examine a legal question arising out of the unfolding of the Palestine question.
- f) And, finally, the *Secretariat* has performed the usual services required by the other five principal organs in the course of their preoccupation with the question, and has undertaken additional assignments at their request.

(2) The principal organs and their main committees have devoted the following meetings to the Palestine question:

| | |
|--|-----|
| The General Assembly | 657 |
| The Security Council | 228 |
| The Economic and Social Council | 12 |
| The International Court of Justice | 3 |

(3) *Five* of the "Specialized Agencies" affiliated with the United Nations have undertaken special programmes directly concerned with the situation in Palestine: WHO, FAO, ILO, UNESCO, and IRO.

(4) *Fifty-five* special *subsidiary agencies* were established for the purpose of dealing, exclusively or mainly, with the Palestine question.

(5) During their deliberations on the Palestine question, the principal organs of the United Nations received *over 400 formal proposals* submitted by member-States, individually or in groups, in the form of "draft resolutions", "joint draft resolutions", "amendments", and "joint amendments".

(6) Of these, *139 resolutions* were formally adopted by the competent organs of the United Nations, as follows:

| | |
|---|----|
| The General Assembly | 88 |
| The Security Council | 37 |
| The Economic and Social Council | 3 |
| The Trusteeship Council | 10 |
| The International Court of Justice ("Advisory Opinions") | 1 |

(7) Some of these resolutions dealt with procedural, organizational, administrative, and/or financial matters; others contained provisions of a substantive character.

The *substantive resolutions* formally adopted by the competent organs of the United Nations, regarding the Palestine question, were *70* in number:

| | |
|---|----|
| The General Assembly | 35 |
| The Security Council | 32 |
| The Economic and Social Council | 1 |
| The Trusteeship Council | 1 |
| The International Court of Justice ("Advisory Opinions") | 1 |

(8) A break-down of the substantive resolutions adopted by the competent organs of the United Nations regarding Palestine, *on the basis of the original authorship of each resolution*, would indicate the relative roles played by the various member-States in influencing the decision-making processes of the United Nations, and in shaping the cumulative body of resolutions formally passed by the World Organization concerning the Palestine question, over the past seventeen years.

The following table singles out the "Five Permanent Members of the Security Council" for examination of their respective roles in shaping the cumulative body of substantive resolutions on Palestine formally adopted by the General Assembly and the Security Council:

SUBSTANTIVE RESOLUTIONS REGARDING PALESTINE

ADOPTED BY:

| | The General Assembly (35) | The Security Council (32) |
|---|------------------------------|------------------------------|
| Based on proposals sponsored <i>solely</i> by: | | |
| CHINA | — | — |
| FRANCE | — | 1 |
| U.S.S.R. | — | — |
| U.K. | 1 | 4 |
| U.S.A. | 5 | 8 |

Based on proposals
sponsored, *jointly*
with other member-
States, by:

| | | |
|---------------|----|----|
| CHINA | — | 2 |
| FRANCE | 8 | 12 |
| U.S.S.R. | — | — |
| U.K. | 11 | 14 |
| U.S.A. | 18 | 12 |

In short: Of the 67 substantive resolutions on Palestine formally adopted by the General Assembly and the Security Council since 1947,
2 were based on proposals submitted by China
21 were based on proposals submitted by France
None was based on proposals submitted by the U.S.S.R.
30 were based on proposals submitted by the United Kingdom,
and
43 were based on proposals submitted by the United States

ii. United Nations Decisions Concerning the Arab Refugees From Palestine

(1) At the first session it held after the expulsion of the majority of the Arab inhabitants of Palestine from their homeland, the General Assembly endorsed the recommendation of the slain Mediator, Count Folke Bernadotte, submitted to it in the form of a draft resolution by the Government of the United Kingdom. Recognizing the right of the refugees to return to their homes, the Assembly directed that they be permitted to do so "at the earliest practicable date" if they so chose, and that compensation be paid for "loss of or damage to" their property.

This recognition of the right of the refugees to repatriation and compensation was contained in Resolution 194 (III) of 11 December 1948, which has become the foundation of all subsequent United Nations pronouncements on the question of the Palestine refugees. Paragraph 11 of this resolution reads:

"Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible."

(2) At the following regular session (namely, the fourth session, held in the fall of 1949), the General Assembly explicitly reaffirmed the provisions of the paragraph cited above, stating:

"Recalling its resolutions 212 (III) of 19 November 1948 and 194 (III) of 11 December 1948, affirming in particular the provisions of paragraph 11 of the latter resolution, . . ." (Resolution 302 (IV) of 8 December 1949, Paragraph 1 of the Preamble).

(3) At its fifth regular session, held in 1950, the General Assembly further elucidated its intention, adding significant safeguards against possible discrimination "either in law or in fact" against the refugees upon their repatriation. It said:

"Calls upon the governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination either in law or in fact." (Resolution 394 (V) of 14 December 1950, Paragraph 3).

(4) The recognition of the right of the refugees to repatriation in accordance with their free choice has been "recalled" by the General Assembly at every regular session it has held since 1948 — fifteen in all. More especially, it was re-affirmed in Paragraph 1 of the Preamble of each of the following Resolutions:

- a) Resolution No. 302 (IV) of 8 Dec. 1949,
- b) Resolution No. 394 (V) of 14 Dec. 1950,
- c) Resolution No. 512 (VI)* of 26 Jan. 1952,
- d) Resolution No. 614 (VII) of 6 Nov. 1952,
- e) Resolution No. 720 (VIII) of 27 Nov. 1953,
- f) Resolution No. 818 (IX) of 4 Dec. 1954,
- g) Resolution No. 916 (X) of 3 Dec. 1955,
- h) Resolution No. 1018 (XI) of 28 Feb. 1957,
- i) Resolution No. 1191 (XII) of 12 Dec. 1957,
- j) Resolution No. 1315 (XIII) of 12 Dec. 1958,
- k) Resolution No. 1456 (XIV) of 9 Dec. 1959,
- l) Resolution No. 1604 (XV) of 21 Apr. 1961,
- m) Resolution No. 1725 (XVI) of 20 Dec. 1961,
- n) Resolution No. 1856 (XVII) of 20 Dec. 1962,
- o) Resolution No. 1912 (XVIII) of 3 Dec. 1963

*This was the only instance in which the General Assembly, instead of specifying individual resolutions, resorted to the short-cut of "recalling all the resolutions adopted at previous sessions of the General Assembly on the Palestine Problem"—which, of course, included 194 (III).

That this regular recollection of the original resolution at every session of the Assembly is not a mere formality, is made abundantly clear by the facts contained in the following paragraphs:

(5) The General Assembly established a direct relationship between the admission of Israel to membership in the United Nations on 11 May 1949, and the implementation *inter alia* of Resolution 194 (III) adopted five months earlier. *Of some sixty members admitted to membership in the United Nations since its establishment, Israel was the only state the admission of which was predicated on the undertaking to implement specific resolutions of the General Assembly.*

Resolution 273 (III) of 11 May 1949 states:

"Noting . . . the declaration by the state of Israel that it 'unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations',

"Recalling its resolution of 29 November 1947 and 11 December 1948 and taking note of the declarations and explanations made by the representative of the Government of Israel before the ad hoc Political Committee in respect of the implementation of the said resolutions,

"The General Assembly,

"Decides to admit Israel to membership in the United Nations." (Paragraphs 4 and 5 of the Preamble, and Operative Paragraph 2).

(6) Whenever the General Assembly appropriated funds for the relief of the refugees, or set up new agencies for the administration of such relief, or extended the mandate of existing agencies, or endorsed programmes of public works or rehabilitation — it proceeded immediately to safeguard the rights of the refugees, which it had recognized in paragraph 11 of Resolution 194 (III), by asserting that the interim arrangements in question were "*without prejudice to the provisions of paragraph 11 of Resolution 194 (III)*". This important safeguard appears, in identical terms, in the following ten resolutions of the General Assembly:

- a) Resolution No. 302 (IV) of 8 Dec. 1949, Para. 5
- b) Resolution No. 393 (V) of Dec. 2 1950, Para. 4
- c) Resolution No. 513 (VI) of 26 Jan. 1952, Para. 2
- d) Resolution No. 614 (VII) of 6 Nov. 1952, Para. 4 of the Preamble

- e) Resolution No. 720 (VIII) of 27 Nov. 1953, Para. 1
- f) Resolution No. 818 (IX) of 4 Dec. 1954, Para. 1
- g) Resolution No. 916 (X) of 3 Dec. 1955, Para. 3
- h) Resolution No. 1018 (XI) of 28 Feb. 1957, Paras. 3 and 5
- i) Resolution No. 1191 (XII) of 12 Dec. 1957, Para. 5
- j) Resolution No. 1315 (XIII) of 12 Dec. 1958, Para. 4

(7) On at least twelve occasions since 1948, the General Assembly has noted with manifest uneasiness that the provisions of Paragraph 11 of Resolution 194 (III) have not been effected. This failure, and the situation resulting therefrom, have been "noted" by the Assembly with "concern", with "regret", with "grave concern", with "deep regret", with "serious concern", or with different combinations of such feelings, as follows:

- a) 394 (V) of 14 Dec. 1950, Para. 2 of Preamble: "concern"
- b) 512 (VI) of 26 Jan. 1952, Para. 3: "regret"
- c) 818 (IX) of 4 Dec. 1954, Para. 3 of Preamble: "grave concern"
- d) 916 (X) of 3 Dec. 1955, Para. 4 of Preamble: "grave concern"
- e) 1018 (XI) of 28 Feb. 1957, Para. 5 of Preamble: "serious concern"
- f) 1191 (XII) of 12 Dec. 1957, Para. 5 of Preamble: "regret" and "serious concern"
- g) 1315 (XIII) of 12 Dec. 1958, Para. 4 of Preamble: "deep regret" and "serious concern"
- h) 1456 (XIV) of 9 Dec. 1959, Para. 4 of Preamble: "deep regret" and "serious concern"
- i) 1604 (XV) of 21 Apr. 1961, Para. 3 of Preamble: "deep regret" and "serious concern"
- j) 1725 (XVI) of 20 Dec. 1961, Para. 3 of Preamble: "deep regret" and "serious concern"
- k) 1956 (XVII) of 20 Dec. 1962, Para. 3 of Preamble: "deep regret" and "serious concern"
- l) 1912 (XVIII) of 3 Dec. 1963, Para. 3 of Preamble: "deep regret" and "serious concern"

(8) Far from contenting itself with such repeated expressions of regret and concern, the Assembly has urged the subsidiary agencies directly concerned to labour towards the implementation of the provisions of Paragraph 11 of Resolution 194 (III).

a) In the same paragraph in which it announced the principle of free choice of the refugees and recognized their rights to repatriation and compensation, (and, if they chose otherwise, to resettlement and compensation) the Assembly instructed the Conciliation Commission, then established, "to facilitate" the implementation of those provisions and to "maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations." (Part 2 of Paragraph 11 of Resolution 194 (III)).

b) In subsequent sessions, the Assembly has found frequent occasion to urge the Conciliation Commission to "continue its efforts", to "continue its endeavours", to "make further efforts", or to "intensify its efforts" towards the implementation of the provisions of Paragraph 11 of Resolution 194 (III):

- i. 394 (V) of 14 Dec. 1950, Paragraph 2 (b)
- ii. 512 (VI) of 26 Jan. 1952, Paragraph 5
- iii. 1456 (XIV) of 9 Dec. 1959, Paragraph 1
- iv. 1604 (XV) of 21 Apr. 1961, Paragraph 1
- v. 1725 (XVI) of 20 Dec. 1961, Paragraph 1 (a)
- vi. 1856 (XVII) of 20 Dec. 1962, Paragraph 2
- vii. 1912 (XVIII) of 3 Dec. 1963, Paragraph 4

c) On other occasions, the Assembly has called for coordination and mutual consultation between the Conciliation Commission and the U.N. Relief and Works Agency for Palestine Refugees (U.N.R.W.A.) "in the best interests of their respective tasks, with particular reference to paragraph 11 of General Assembly Resolution 194 (III) of 11 December 1948":

- i. 302 (IV) of 8 Dec. 1949, Paragraph 21
- ii. 818 (IX) of 4 Dec. 1954, Paragraph 2
- iii. 916 (X) of 3 Dec. 1955, Paragraph 2
- iv. 1018 (XI) of 28 Feb. 1957, Paragraph 4
- v. 1191 (XII) of 12 Dec. 1957, Paragraph 6
- vi. 1315 (XIII) of 12 Dec. 1958, Paragraph 6

iii. Formal Judgments Passed By the United Nations Upon Israel's International Conduct

A. Resolutions formally adopted by the Security Council regarding attacks undertaken by regular armed forces of Israel on territories of neighbouring Arab States:

(1) *Resolution of 18 May 1951 (S/2157):*

The Security Council finds that the "aerial action taken by the forces of the Government of Israel on 5 April 1951" constitutes "a violation of the cease-fire provision provided in the Security Council resolution of 15 July 1948" and is "inconsistent with the terms of the Armistice Agreement and the obligations assumed under the Charter". (Paragraph 11).

Proposed jointly by France, the United Kingdom, the United States and Turkey, this resolution was adopted by ten votes to none, with one abstention.

(2) *Resolution of 24 November 1953 (S/3139/Rev. 2):*

The Security Council finds that the "action at Qibya taken by the armed forces of Israel on 14-15 October 1953" constitutes "a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948" and is "inconsistent with the parties' obligations under the General Armistice Agreement and the Charter." The Security Council therefore "expresses the strongest censure of that action". (Section A).

Proposed jointly by France, the United Kingdom and the United States, this resolution was adopted by nine votes to none, with two abstentions.

(3) *Security Council Resolution of 29 March 1955 (S/3378):*

The Security Council "condemns this attack" (which was "committed by Israeli regular army forces against the Egyptian regular armed force" in the Gaza Strip on 28 February 1955) "as a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and as inconsistent with the obligations of the parties under the Gen-

eral Armistice Agreement between Egypt and Israel and under the Charter". (Paragraphs 4 and 5).

Proposed jointly by France, the United Kingdom and the United States, this resolution was adopted by eleven votes to none, with no abstentions.

(4) *Security Council Resolution of 19 January 1956 (S/3538):*

The Security Council: (i) "Condemns the attack on 11 December (1955) as a flagrant violation of the cease-fire provisions of its resolution of 15 July 1948, of the terms of the General Armistice Agreement between Israel and Syria, and of Israel's obligations under the Charter"; (ii) "Expresses its grave concern at the failure of the Government of Israel to comply with its obligations"; and (iii) warns that it "will have to consider what further measures under the Charter are required to maintain or restore the peace". (Paragraphs 3, 4 and 5).

Proposed jointly by France, the United Kingdom and the United States, this resolution was adopted by eleven votes to none, with no abstentions.

(5) *Security Council Resolution of 9 April 1962 (S/5111):*

The Security Council: (i) "Reaffirms the Security Council resolution of 19 January 1956 which condemned Israeli military action"; (ii) "Determines that the Israeli attack of 16-17 March 1962 (near Lake Tiberias) constitutes a flagrant violation of that resolution"; and (iii) "Calls upon Israel scrupulously to refrain from such actions in the future." (Paragraphs 2 and 3).

Proposed jointly by the United Kingdom and the United States, this resolution was adopted by ten votes to none, with one abstention.

On the following day — 10 April 1962 — the Knesset (Parliament) of Israel adopted a resolution which stated, in Paragraph 1, that:

"The Knesset categorically rejects the Security Council resolution of April 9, 1962." *

* * *

Not once has a similar resolution been adopted by any organ of the United Nations against an Arab State.

*Israel Digest, Vol. V, No. 9, of 27 April, 1962.

B. Resolutions adopted by the General Assembly after the invasion of Egyptian territory in 1956:

(1) *Resolution of 2 November 1956 (997 [ES-I])* :

Noting that "the armed forces of Israel have penetrated deeply into Egyptian territory", and "expressing its grave concern", the General Assembly urges Israel "promptly to withdraw all forces behind the armistice lines." (Paragraph 1 of the Preamble, and Operative Paragraph 2).

Proposed by the United States, this resolution was adopted by 64 for, 5 against, and 6 abstentions.

(2) *Resolution of 4 November 1956 (999 [ES-I])* :

"Noting with regret" that compliance with the resolution of 2 November had not been accomplished, the General Assembly "reaffirms" the earlier resolution. (Paragraph 1 of the Preamble, and Operative Paragraph 1).

Proposed jointly by nineteen member-States from Asia and Africa, this resolution was adopted by 59 for, 5 against, and 12 abstentions.

(3) *Resolution of 7 November 1956 (1002 [ES-I])* :

The General Assembly "reaffirms the above-mentioned resolutions" and calls once again upon Israel immediately to withdraw all its forces behind the armistice lines." (Paragraphs 1 and 2).

Proposed jointly by nineteen member-States from Asia and Africa, this resolution was adopted by 65 for, 1 against, and 10 abstentions.

(4) *Resolution of 24 November 1956 (1120 [XI])* :

The General Assembly "notes with regret" that "no Israel forces have been withdrawn" and "reiterates its call." (Paragraphs 1 and 2).

Proposed jointly by twenty member-States from Asia and Africa, this resolution was adopted by 63 for, 5 against, and 10 abstentions.

(5) *Resolution of 19 January 1957 (1123 [XI])* :

The General Assembly "notes with regret and concern the failure of Israel to comply with the terms of the above-mentioned resolutions". (Paragraph 1).

Proposed jointly by twenty-five member-States from Asia and Africa, this resolution was adopted by 74 for, 2 against, and 2 abstentions.

(6) *Resolution of 2 February 1957 (1124 [XI])* :

The General Assembly: (i) "Deplores the non-compliance of Israel to complete its withdrawal behind the armistice demarcation line despite repeated requests of the General Assembly"; and (ii) "Calls upon Israel to complete its withdrawal behind the armistice demarcation line without further delay". (Paragraph 1 and 2).

Proposed jointly by seven member-States from Europe, North America, South America and Asia, this resolution was adopted by 74 for, 2 against, and 2 abstentions.

C. Resolutions regarding Israel's actions in Jerusalem:

(1) *Trusteeship Council Resolution of 20 December 1949*

(114 [S-2]) :

The Trusteeship Council: (i) "Is concerned at the removal to Jerusalem of certain ministries and central departments of the Government of Israel" on 13 December 1949; (ii) "Considers that such action ignores and is incompatible with the provisions of paragraph II of General Assembly resolution 303 (IV) of 9 December 1949"; and (iii) calls upon Israel "to revoke these measures."

(2) *Security Council Resolution of 11 April 1961 (S/4785)* :

The Security Council "endorsed" the decision of the Mixed Armistice Commission of 20 March 1961, "condemning" Israel for a "breach" of the Armistice Agreement in Jerusalem. (Paragraphs 1 and 2).

D. Resolutions adopted by the Security Council after the assassination in Israel of the United Nations Mediator, Count Folke Bernadotte:

(1) *Resolution of 18 September 1948 (S/1006)* :

The Security Council was "deeply shocked" by the "cowardly act" which was "committed by a criminal group of terrorists". (Paragraph 1 of the Preamble).

(2) *Resolution of 19 October 1948 (S/1045)* :

The Security Council: (i) "Notes with concern that the Provisional Government of Israel has to date submitted no report to the Security Council or to the Acting Mediator regarding the progress of the investigation into the assassinations"; and (ii) reminds that government that all its "obligations and responsibilities" must be "discharged fully and in good faith". (Paragraphs 1 and 2).

* * *

No other country in the world, whether member or non-member of the United Nations, has been the object of so many rebukes, censures and condemnations by the principal organs of the United Nations—for actions in violation of the Charter, and for non-compliance with decisions of competent bodies of the World Organization.

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